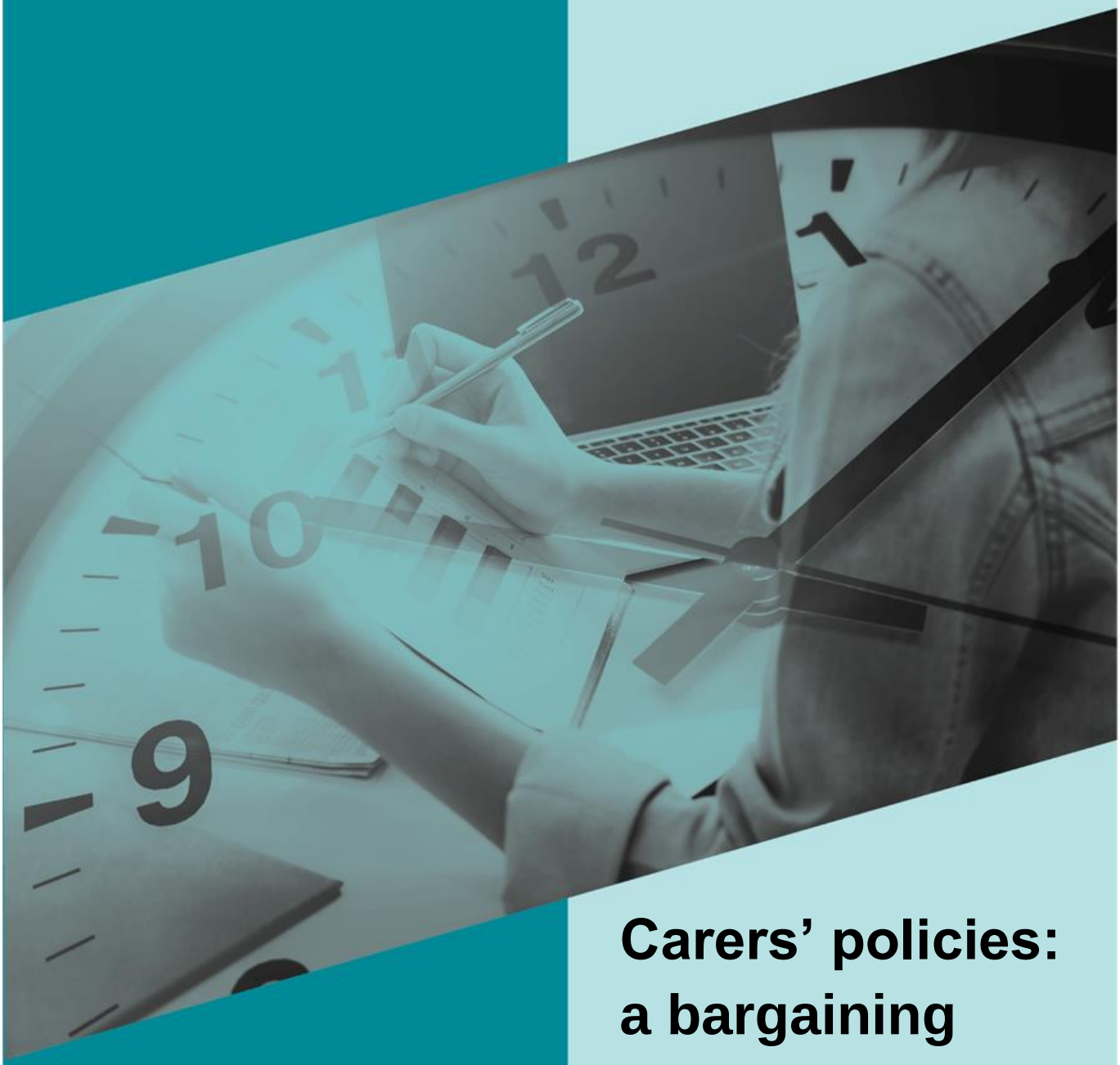
Bargaining Support Group



Carers' policies: a bargaining guide and model policy

UNISON
the public service union

Carer's policies:
A bargaining guide and model policy

Introduction

Branches and workplace reps have increasing demands on their time. But negotiating for better support for workers with caring responsibilities will have a wide-ranging benefit for your branch and workplace, as well as our members.

Many people, whether out of necessity or choice rely on unpaid carers, mostly family members. As well as caring for adult dependants, members may be struggling with balancing their work commitments with caring for their children and grandchildren. Many unpaid carers, whether of adults or children, are being driven from the workplace because their work/life balance is just too difficult.

UNISON is fighting alongside its members to save local services from facing catastrophic cuts and to demand emergency funding. In the fight against coronavirus, councils had to spend billions to protect the most vulnerable. www.unison.org.uk/our-campaigns/save-our-local-services/

Meanwhile care workers, whilst caring for those most vulnerable to COVID-19, cannot afford to self-isolate if they show symptoms. UNISON is demanding #FullPayForCarers to #StopTheSpread. www.unison.org.uk/our-campaigns/stop-the-spread/

Why negotiate a carers' policy?

i. Most workers at some time within their working lives take on the responsibilities of caring for others, whether that is children, elderly relatives, partners or other dependant adults. This is the same for the members of your branch or workplace – perhaps it even directly affects you!

ii. Caring responsibilities are a key reason that workers request flexible working or special leave but too often these are refused. Carers may also experience unfair treatment at work that could be discriminatory. By agreeing good carers' policies, the number of cases requiring steward representation could be reduced, freeing up steward time.

iii. A good policy will highlight how UNISON values its members and recognises the daily challenges of juggling care responsibilities and work commitments, which could result in an increase in your branch's activist base.

iv. Agreeing successful policies for a wide range of workers can be a useful recruitment tool, advertising the benefits of joining UNISON for all, as well as how UNISON reps have expert negotiation skills when dealing with employers.

If negotiators have any comments on this guidance or any experience of negotiations that could be usefully incorporated in the guidance, please contact Bargaining Support at bsg@unison.co.uk

Further guidance is available from bargaining support for branches and workplace reps www.unison.org.uk/bargaining-guides

Contact your regional education teams and / or LAOS to find out what training and resources are available to assist you with negotiating with your employer or promoting the issues in this guide with your members https://learning.unison.org.uk

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Carers in the workplace – they're everywhere!

It is estimated that there are 6.5 million unpaid carers in the UK, that's 1 in every 8 adults. Every day, 6,000 people become carers, and numbers are increasing.

A caring responsibility may happen overnight with someone close to you suddenly taken ill, or else it may be a more gradual commitment as elderly or disabled loved ones need help to continue to live independently.

"At Carers UK we have been aware of the substantial additional challenges faced by working carers throughout the COVID-19 pandemic. Due to economic uncertainty and the impact of COVID-19 on care support services, working carers have faced unparalleled pressures… Supporting carers in employment remains a critical workforce issue."

Helen Walker, Chief Executive, Carers UK

It can be extremely challenging financially, emotionally and physically, balancing a carers' role alongside work. Sometimes it can lead to burnout for some carers where they simply cannot continue doing both.

Definitions of 'carer'

The Carers Trust https://carers.org defines a carer as "anyone who cares, unpaid, for a friend or family member who due to illness, disability, a mental health problem or an addiction cannot cope without their support".

Carers UK www.carersuk.org defines a carer as someone "supporting a loved one who is older, disabled or seriously ill."

Under the statutory employment right for time off for dependants if they are involved in an emergency, dependants are defined as a spouse, partner, child, grandchild, parent, or someone who depends on you for care.

To be eligible for Carers Allowance or Carers Credit, the emphasis of eligibility is on what sort of benefit (such as Personal Independence Payment, Disability Living Allowance or Attendance Allowance) the person being cared for receives, rather than the relationship, more details from **Gov.UK** www.gov.uk/carers-allowance/eligibility

Key facts about carers

1 in 8 adults (around 6.5 million people) are carers.

Every day another 6,000 people take on a caring responsibility – that equals over 2 million people each year.

58% of carers are women and 42% are men.

1.4 million people provide over 50 hours of care per week.

Over 1 million people care for more than one person.

5 million people in the UK are juggling caring responsibilities with work - that's 1 in 7 of the workforce.

However, the significant demands of caring mean that 600 people give up work every day to care for an older or disabled relative.

7 in 10 working carers (71%) have felt lonely or isolated in the workplace as a result of their caring responsibilities.

Source: Carers UK
www.carersuk.org/news-and-campaigns/press-releases/facts-and-figures and www.carersuk.org/news-and-campaigns/news/10-facts-about-loneliness-and-caring-in-the-uk-for-loneliness-awareness-week

Caring responsibilities have a clear influence on people's working lives, and work has a clear influence on people's caring lives.

In the last 12 months, more than a third of working carers had turned down a promotion or job offer because of their caring responsibilities.

Working carers struggle to fulfil their caring responsibilities because of tiredness, emotional exhaustion, and the amount of time they spend at work.

Only 40% of working carers regarded their employer as carer-friendly.

Source: CIPD (the Chartered Institute of Personnel and Development) 2021 research, 'Supporting working carers: how employers and employees can benefit'

Identifying carers in the workplace

Employees often do not identify themselves as a carer, particularly when the support they give is for unpredictable, non-routine and unplanned situations, or when it is for a close family member or for someone not living with them.

Raising the issue with their line manager or HR may also be difficult. Many workers may worry that employers will consider them less committed to their job and feel at risk if they request support, particularly in a workplace environment of cost-cutting and redundancies.

As well as encouraging an open culture of trust and communication, employers should train managers about the issues for carers. This should highlight why it is important that carers are supported, and how best to communicate with carers so that they know they are valued. It should also stress the need for personal information being treated confidentially.

An anonymous staff survey could help identify the extent of the issue in the workplace for the employer, as well as any specific difficulties encountered. A

survey could also help in introducing to all the idea of ‘carers’ and ‘caring’ and the valuable unpaid work they do.

“Working carers represent a significant proportion of the working population and at the height of the pandemic, Carers UK estimated that over a quarter (26%) of all workers were juggling work and care. In some sectors the proportion is even higher, with one in three NHS staff juggling paid work and unpaid caring…

The challenges of balancing work and care often have a negative effect on carers’ careers, with our previous research finding that 40% of working carers had passed on opportunities at work and 25% had moved roles to help them manage.

Worryingly, 1 in 8 carers (13%) have had to reduce their working hours during the pandemic. In addition, almost a quarter (23%) of working carers have had their employment situation negatively affected during the pandemic; by reducing their working hours, having their hours reduced by their employer, losing their job, losing business as a self-employed carer, or leaving their job due to concerns about catching COVID.

Source: State of Caring 2021: A snapshot of unpaid care in the UK

Raising awareness

Raising awareness in the workplace about carers, for example during **Carers Week** www.carersweek.org (usually in June each year) can also ensure that employees struggling with caring commitments still feel valued in the workplace.

Carers Week is an annual campaign to raise awareness of caring, to highlight the challenges carers face and recognise the contribution they make to families and communities throughout the UK.

Carers’ Rights Day www.carersuk.org/news-and-campaigns/carers-rights-day (usually at the end of November each year) brings organisations across the UK together to help carers in their local community know their rights and find out how to get the help and support they are entitled to.

National Dementia Carers Day www.nationaldementiacarersday.co.uk (usually in September during Alzheimer Awareness Month) aims to highlight the huge number of informal and family carers who provide innovative and compassionate support for relatives with dementia every day.

Carers Week, Carers’ Rights Day and National Dementia Carers Day activities could also provide an opportunity for your branch and workplace reps to initiate

negotiations with the employer about better support for employees with caring responsibilities.

"Employers should adopt Carers UK's Carer Confident benchmark, run by Employers for Carers [www.employersforcarers.org], to move towards becoming a carer-friendly employer.

In Scotland, we recommend employers using Carer Positive run by Carers Scotland [www.carersuk.org/Scotland] ."

Recommendation from Carers UK's report: State of Caring 2021: A snapshot of unpaid care in the UK

The law and carers

Carers have a limited number of different rights and protections in the workplace under statutory law, and these are listed below.

There may be a more generous provision at your workplace and if so, these are likely to be listed in the contract of employment or included in the workplace policies and procedures.

Proposed unpaid carers' leave

After a public consultation on carers' leave, the UK government announced in September 2021 that they intend to introduce an entitlement to unpaid carers' leave for up to one week (5 working days) per year for unpaid carers as a day one right for employees.

It will be available to be taken flexibly, either in individual days or half days, up to a block of one week. The notice requirement will be in line with that of annual leave, where an employee must give notice that is twice the length of time being requested as leave, plus one day.

The government states that the carer's relationship with the person being cared for will broadly follow the definition of dependant used in the right to time off for dependants – a spouse, civil partner, child, parent, a person who lives in the same household as the employee (other than by reason of them being their employee, tenant, lodger, or boarder) or a person who reasonably relies on the employee for care.

The person being cared for will have to have a long-term care need. This would be defined as a long-term illness or injury (physical or mental), a disability as defined under the Equality Act 2010[1], or issues related to old age. There would be limited exemptions from the requirement for long-term care, for example in the case of terminal illness.

The entitlement will apply in England, Wales and Scotland but not in Northern Ireland (where employment law is devolved).

However it is not yet known when the law will be introduced. The UK government has only said "when parliamentary time allows".

Parental leave

Working parents are entitled to statutory maternity, maternity support (often referred to as paternity), adoption and shared parental leave and pay.

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[1] In Northern Ireland, this requirement is enshrined in the Disability Discrimination Act 1995

Additionally those with at least one year's continuous service are entitled to unpaid parental leave for up to 18 weeks per child (aged under 18). Although the statutory entitlement is unpaid, many organisations have agreements in place that provide some form of payment for at least some of the 18 week entitlement. They may also offer greater flexibility in how the leave is taken and the notice given. Statutory entitlement only allows for the leave to be taken in blocks of at least one week up to a maximum of four (unless the child is disabled) and 21 days' notice must be given to the employer with specified start and end dates.

Find out more in the bargaining guide **'Negotiating for working parents'**
www.unison.org.uk/negotiating-for-working-parents

Dependant's leave

Employees have a legal right to take reasonable unpaid time off to take action:

i. when the dependant is injured or assaulted, falls ill or gives birth
ii. when the dependant who is ill or injured requires care arrangements to be made
iii. or when their care arrangements are unexpectedly disrupted or ended
iv. when the dependant has died
v. to deal with an incident at the school or nursery which the employee's child attends.

The legal definition of a dependant is a spouse, civil partner, child, parent or person living in the same household (though not an employee, tenant or lodger). In addition it includes someone who reasonably relies on you for assistance such as an elderly neighbour, if they are ill or to make care arrangements for them.

Although the law does not specify how long the leave can be or how often it can be taken, ACAS guidance (www.acas.org.uk/absence-from-work/time-off-to-help-someone-else) suggests that "it's a good idea if the employer is as flexible as they can be, depending on the employee's circumstances."

Dependant's leave may be included in policies and contracts under the heading of 'Time off for dependants', 'Compassionate leave' (although this usually just covers those employees who have experienced the bereavement of a dependant), 'Special leave' or 'Emergency leave,' or within a separate 'Carers' leave' policy.

Find out more in the bargaining guide **'Bargaining on leave'**
www.unison.org.uk/content/uploads/2021/05/Bargaining-on-leave-0421-v2.pdf

Flexible working

Flexible working may be of particular benefit for workers who find it difficult to balance their worklife with their caring responsibilities (as well as other personal commitments).

Workers should be encouraged to consider asking for flexible working rather than just giving up work altogether.

Some examples of flexible working include:

Flexi-time	Employees' weekly hours may be set and they may have to work within 'core hours' depending on the business needs, however they have some flexibility in how they work their hours.
Homeworking or hybrid working	Where an employee will either spend all their time working from home or part of the working week. UNISON has a separate guide to homeworking and a model agreement.[2]
Job sharing	Where two employees will share the job role normally done by one person.
Part-time working	Employees may decide to request working shorter or fewer days each week.
Term-time working	When an employee does not work during the school holidays and will either take paid or unpaid leave. Some employers will calculate an employee's pay pro rata over the year to allow for this.
Shift-swapping or self-rostering	Employees agree to swap shifts between themselves and negotiate between colleagues when they need time off.
Staggered hours	When an employee has different starting and finishing times allowing a business to run outside normal working hours.
Compressed hours	When an employee can work their weekly hours over fewer days e.g. nine day fortnight.
Annualised hours	Annualised hours are often used for shiftworkers. They are useful with dealing with big variations in demand throughout the year. An employee's hours are calculated over a year and then they are split into fixed shifts and reserved shifts which can be agreed on a more flexible basis. However in practice, some employers may use annualised hours as a way of cutting costs. At worst, they may involve

[2] www.unison.org.uk/working-from-home-and-hybrid-working-bargaining-guide-and-model-policy/

	workers doing longer hours, being required to come in at times that do not suit them, and receiving lower financial compensation than might have been available with a traditional weekly hours contract. They therefore need to be approached with caution by UNISON branches and reps.
Voluntary reduced worktime, also known as V-time	This is a temporary period of reduced working hours as agreed between the employer and employee, normally to cover a specific current or anticipated need of the employee. Employees can work fewer hours in exchange for reduced salary and benefits. The agreement is often set for a certain amount of time, reverting back to standard contractual hours at the end of the period.

In England, Wales and Scotland, all employees who have at least 26 weeks' continuous service, have the right to request flexible working, as long as they have not already made a flexible working request within the last 12 months.

Employers must deal with the request in a 'reasonable manner' and there is an Acas Code of Practice that should be followed (www.acas.org.uk/acas-code-of-practice-on-flexible-working-requests).

Employers can only refuse requests for specific reasons including[3]:

- extra costs that will damage the business
- the work can't be reorganised among other staff
- people can't be recruited to do the work
- flexible working will affect quality and performance
- the business won't be able to meet customer demand
- there's a lack of work to do during the proposed working times
- the business is planning changes to the workforce.

In Northern Ireland you must be an employee (not agency worker) to request flexible working, have worked for your employer continuously for 26 weeks and have not made an application to work flexibly in the past 12 months. The employer must have a good business reason to reject the application.

Find out more in the toolkit **'Flexible working - making it work'**
www.unison.org.uk/content/uploads/2014/09/On-line-Catalogue225422.pdf

[3] www.gov.uk/flexible-working/after-the-application

The UK government recently carried out a public consultation on flexible working looking at

- making the Right to Request Flexible Working a day one right;
- whether the eight business reasons for refusing a Request all remain valid
- requiring the employer to suggest alternatives
- the administrative process underpinning the Right to Request Flexible Working; and
- requesting a temporary arrangement.

The government is analysing the feedback to the consultation and, at the time of writing, an outcome is expected soon.

UNISON feels that the UK government's proposals within the public consultation do not go far enough.

UNISON, along with the TUC, is calling for, among other things:

- a duty on employers, before any refusal, to consider alternative flexible options,
- to fully explain the exceptional circumstances of the job which means they cannot be offered
- to put flexible working options in all job adverts.

Furthermore, to emphasise the importance of dialogue in employment relations, UNISON is also calling for a duty to hold a face to face discussion within two weeks of a request being made so that all considerations and expectations are taken into account ahead of a final decision.

Disability discrimination by association

Under the Equality Act 2010[4], it is unlawful to directly discriminate against an employee because they are associated with someone who has a protected characteristic (excluding marriage and civil partnership, and pregnancy and maternity).

This means that someone who is caring for a disabled dependant would be included in this protection if they are treated unfavourably on the basis of their dependant's protected characteristic such as if they are disabled.

Under the Equality Act, a person has a disability if they have a physical or mental impairment that has a substantial, long-term (i.e. having lasted or likely to last at least 12 months or more) adverse effect on their ability to carry out normal day-to-day activities.

[4] In Northern Ireland, this requirement is enshrined in the Disability Discrimination Act 1995

Certain conditions or impairments such as HIV, cancer, multiple sclerosis or a visual impairment (if someone is certified as blind, severely sight impaired, sight impaired or partially sighted) are expressly included even if there are no adverse effects on day-to-day activities. In addition, someone with a progressive condition (such as Alzheimer's disease, motor neurone disease, muscular dystrophy and Parkinson's) is considered by law to have a disability as soon as it starts to have an effect on their normal day-to-day activities, as long as this is likely to be long-term.

Acas provides the following examples of potentially discriminatory treatment:

“Example 1
Jo has a disabled child. Jo has needed to take several days off at short notice to take their child to medical appointments related to their disability. Jo overhears their manager say, "the amount of time off that child causes is not acceptable". The next day, Jo is dismissed. This could be discrimination by association.

Example 2
Pat volunteers at the weekends, driving a minibus that takes people with a learning disability on day trips. Pat's line manager sees Pat dropping the group members off.

At work, the manager makes inappropriate and offensive comments about Pat and the people on the trip. The manager also starts treating Pat differently in other ways. For example, they say Pat cannot come to weekly team lunches any more because they need to cover the phone, when that's always been shared between the team.

This could be discrimination by association as well as harassment.”

Other examples might be a refusal to grant time off or training, or lack of promotion because they are also caring for a disabled person.

However it does not necessarily mean that a carer of a disabled person should be treated more favourably, for example being provided with more time off than if they were requesting it for the care of a non-disabled person.

Case law

Follows v Nationwide Building Society
The employment tribunal found that requiring a senior manager who was the primary carer for her disabled mother to be office based, amounted to indirect disability discrimination by association. In addition, the tribunal found that the provision also constituted indirect sex discrimination as more women than men are primary carers for elderly relatives. The manager had been employed on the basis of a homeworking contract, but the building society had decided to rule this out in future for that role, without discussing alternatives or proper consideration that the role could continue as home-based.

Price v Action-Tec Services Ltd

The employment tribunal found that the employer discriminated against an employee who required time off because her husband was seriously ill.

Bainbridge v Atlas Ward Structures Ltd
The employment tribunal found that the employer discriminated against an employee when they decided not to renew a fixed-term contract because the employee had to take time off work at short notice due to his wife's disability.

Truman v Bibby Distribution Ltd
The employment tribunal found that the employer discriminated against an employee with caring responsibilities who was suddenly dismissed shortly after informing his employer that he would require more flexibility in his working hours.

What sort of support helps workers with caring responsibilities?

Negotiating **paid parental leave and paid dependant's leave** (improving on the statutory unpaid options), may be seen as the priority for the negotiations between branches and workplace reps and their employers in order to support members with caring responsibilities.

However it should be recognised that much of a carer's responsibility may be ongoing and routine, and a form of leave to cover emergencies would not provide sufficient support to enable carers to fulfil commitments.

Forcing carers to use up annual leave for caring commitments such as accompanying a dependant to their routine medical or dental appointment, will mean that these employees will not fully benefit from the same amount of rest and recuperation offered to other employees through their paid annual leave.

Paid carers' leave

Wider campaigns to improve paid support for carers have been under way for a number of years, and it is hoped that eventually paid carers' leave will become a legal right as it is in many other countries.

From: **'Holding on or moving up? Supporting carers and parents in employment'** (www.familyandchildcaretrust.org/holding-or-moving-supporting-carers-and-parents-employment)

International example: Paid leave for carers in Denmark

In Denmark, employees have the right to take paid leave for up to six months to care for a close relative who is disabled or seriously ill. The carer enters into an employment contract with the local authority who pays them either the salary they were receiving from their previous employer or DKK 22,504 (£2,600) per month, whichever is lower. They will continue to accrue holiday pay and pension benefits, and may divide the care leave up into two shorter periods of three months, or share it between several individual carers, if their employer agrees.

Employees who take up paid leave to look after sick relatives do not have a statutory right to return to their old job, though they cannot be fired for taking care leave either. The right to return to the same role tends to be specified in collective agreements, which cover the vast majority of Danish workers.

The Work and Pensions select committee recommended that the Government introduce **5 days' paid carer's leave** when resources allow, in their 2018 report[5],

[5] https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/581/581.pdf

recognising that “the Government’s backing for the Parental Bereavement (Leave and Pay) Bill... shows its willingness to extend this model to support people in other circumstances.”

The CIPD (the Chartered Institute of Personnel and Development) is calling on the government to introduce five days’ paid leave annually for carers. Their 2021 research, ‘Supporting working carers: how employers and employees can benefit’ underlines the importance of this, with less than a tenth of working carers currently able to take paid carers’ leave. Among working carers who indicated in the CIPD’s survey that no forms of support were available to them, paid care leave was the most commonly desired form of support, followed by flexitime and the ability to work at home on some days.

UNISON funded research undertaken by Coram Family and Childcare, **‘Holding on or moving up? Supporting carers and parents in employment’** (www.familyandchildcaretrust.org/holding-or-moving-supporting-carers-and-parents-employment) found that “the most helpful interventions to support people to balance working and caring are thought to be paid carers’ leave of 10 to 20 days per year and greater control of working hours.”

In response to the UK government’s 2021 public consultation on carers’ leave, UNISON asked for:

- **10 days of paid carers leave for all workers** which can be taken in chunks of half days or hours (to cover appointments etc) as well as week or half-week blocks.
- A further right to a period of up to **6 months unpaid carers leave** to accommodate acute care or emergency transition periods.
- **Carers leave to cover caring for ill children** without a pre-existing physical or mental health problem. As outlined above, children are not legally, practically, or morally enabled to look after themselves when ill and no current childcare provision allows for leave over 2 days to be taken at short notice to look after an ill and dependent child.
- **No conditionality where a dependant relationship criteria is met** and for acute conditions to be specifically included rather than just chronic, long-term conditions.
- We also propose that this should be **a day-1 right** with notice given proportionate to the amount of leave being taken and with no notice required for periods below 3 days.

Further, we would strongly support the government offering web-based advice to employers, as it does on other HR issues, on best practice workplace carer’s

policies. Many employers want to be supportive but do not have the HR resources to support them in implementing this kind of change.

More flexible working arrangements

Negotiating more fair and frequent approvals of flexible working requests could also be particularly helpful to keep carers in employment.

The 2018 report from the Work and Pensions select committee[6] found that "Carers can find it hard to manage their caring responsibilities while rigidly tied to when, where or how they work. Flexible working arrangements are therefore often critical to balancing care and work successfully."

'Holding on or moving up? Supporting carers and parents in employment' (www.familyandchildcaretrust.org/holding-or-moving-supporting-carers-and-parents-employment) reports that "four fifths (82%) of the public said that if they were a parent or a carer, having more control over their hours would help them to balance work and care ."

If paid carer's leave is not provided by the employer, then it is important for branches and reps to negotiate a more flexible approach to other leave arrangements, such as:

- flexihours allowing carers the ability to make up time off that they have taken to meet their caring responsibilities at another time
- providing matched leave against annual holiday entitlement (such as allowing each day's leave for caring responsibilities to be counted as half a day's carer leave and half a day's annual leave)
- offering a temporary or permanent change in workplace if it would support an employee with caring responsibilities
- providing unpaid leave or a longer unpaid career break while the employee organises their caring responsibilities whilst keeping the job open to return to.

In the poll of UNISON members undertaken by Coram Family and Childcare for **'Holding on or moving up? Supporting carers and parents in employment'** (www.familyandchildcaretrust.org/holding-or-moving-supporting-carers-and-parents-employment) "being able to take a career break with a guaranteed return to your job was viewed as helpful by 78% of carers and 91% of non-carers... as a way of balancing work and care."

[6] https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/581/581.pdf

More certain work patterns

Whilst the caring responsibilities of workers sometimes require flexibility, there may often be circumstances where carers, whether parents or carers of adults, require access to more certain work patterns so that they can better plan around rigid caring responsibilities.

But the increased use of zero-hours contracts and other casual work contracts, means that a worker's ability to plan care responsibilities around work commitments is difficult if not impossible.

2019 research from the Living Wage Foundation's campaign 'Living Hours' (www.livingwage.org.uk/news/living-hours-campaign-launched-tackle-work-insecurity) found that one in six workers are in insecure, low paid work, with millions facing cancelled shifts, a lack of stable hours, or short-term contracts. The campaign highlights that "while many people choose to work part-time, we have seen a rise in 'one-sided flexibility' – including the exploitative use of zero-hour or 'tiny hour' contracts as permanent workforce management tools, and false self-employment. This creates financial insecurity and exacerbates in-work poverty... Last minute shift changes also impact on healthy family life and make it difficult to plan childcare [and other caring] arrangements."

"Zero-hours contracts are commonplace in social care as are minimum wage pay rates. That's one of the many reasons the sector is struggling to hold onto and recruit the staff it needs to deliver quality care."

UNISON general secretary, Christina McAnea, September 2021

Making sure carers are not treated less favourably in the workplace

"Carers are too often 'nervous', even 'fearful' of discussing their circumstances with their employer. Stigma still exists" reported the Work and Pensions select committee.

Sadly this stigma can manifest itself in a form of direct discrimination by association. Some workers when disclosing their care responsibilities suffer unfair and inconsistent treatment in the workplace.

Therefore it is essential that in any negotiations with the employer, branches and reps check that workplace policies clearly reflect the employer's commitment to supporting carers. It is key that discrimination by association should be directly considered in the workplace equality and diversity policy and action plan, and also included in the harassment or dignity at work policy.

'Holding on or moving up? Supporting carers and parents in employment' (www.familyandchildcaretrust.org/holding-or-moving-supporting-carers-and-parents-employment) reported that "an understanding and trusting manager who takes an

employee's caring responsibilities into account was the kind of support most valued by many of the parents and carers we spoke to."

The Work Foundation's 2018 report **' Who cares? The implications of informal care and work for policymakers and employers'** (www.theworkfoundation.com/wp-content/uploads/2018/11/who_cares_implications_informal_care_work_policymakers_employers.pdf) highlighted the need to "train line managers on how to identify and support carers, including bespoke approaches. Educate them that working carer roles do not mean lack of commitment at work."

In addition, it is important that carers are not indirectly disadvantaged. For example it would be key for any gender pay gap action plan to ensure that staff development training is accessible to all including those with caring responsibilities.

A carers' contact or 'champion' in the workplace

To help raise the profile of the needs of carers, and encourage more to disclose their caring responsibilities and the impact on their working lives, employers could provide a specific person as a carers' contact or carers' 'champion'. They would be specifically trained to support and offer assistance to employees with caring responsibilities.

This contact could then link with HR to put some support measures in place as well as signposting to external support.

UNISON reps could also become carers' contacts and provide support to members with caring responsibilities. They could set up a carers' network in the workplace, as well as negotiate with employers on behalf of individual members to assist them when changing working patterns to accommodate caring commitments.

Making sure carers know about the support available

Only 1 in 5 (22%) of UK workers have siad they know a colleague who provides unpaid care[7] even though research clearly shows there are many carers in the workplace. Even amongst those who currently work and care unpaid, nearly half (44%) said they did not know anyone else at work who is a carer.

The issue is too often hidden and carers in the workplace can particularly experience:

- a feeling of loneliness or isolation as a result of their caring responsibilities
- a feeling that colleagues and managers don't understand the impact of caring

[7] www.employersforcarers.org/news/item/download/262_5628c11d6d364d537dd3158b943a4f0d

- a fear of talking about their caring responsibilities.

Regularly raising awareness of the issues and the options of support available in the workplace amongst employees is key for the successful implementation of a carers' policy. This could take place during recruitment and induction periods, and at special events such as during **Carers' Week** (see section headed 'Raising Awareness' above for more details).

Once a policy is agreed jointly with the staff side trade unions it should be circulated to all employees along with a list of national and local support agency contacts for carers. It could also include details of a workplace employee assistance programme if provided by the employer.

Ideally an employer will also provide training to all staff on this issue and explain the support it offers.

The Work Foundation's 2018 report **' Who cares? The implications of informal care and work for policymakers and employers'** (www.theworkfoundation.com/wp-content/uploads/2018/11/who_cares_implications_informal_care_work_policymakers_employers.pdf) has a number of recommendations for employers including the following:

- Introduce 'Carer Champions'. This would raise awareness of working carers and destigmatise caring. It would reassure other working carers that they're not alone and encourage them to share experiences.
- Employers should seek to create a workplace culture where carers are supported with 'carer friendly' policies.
- Set up carers' peer groups or support forums, where carers can share experiences and advice. Businesses could signpost staff to external support forums.
- Provide an online resource, through company employee benefit schemes or HR services, to help carers source practical advice and expert support on topics including care, legal and financial information.
- Offer online or telephone counselling, through services like Employee Assistance Programmes.
- Run workplace awareness campaigns.

Quick checklist

- ☐ Is the employer aware of the particular issues for unpaid carers within their workforce? An anonymous staff survey could help identify the extent of the issue as well as any specific difficulties encountered. It could also help in introducing to all the idea of 'carers' and 'caring' and the valuable unpaid work they do and encourage workers to identify themselves as carers.
- ☐ Raise awareness in the workplace about carers, such as carrying out activities coinciding with Carers Week or Carers' Rights Day or National Dementia Carers Day.
- ☐ These activities could also provide an opportunity for your branch and workplace reps to initiate negotiations with the employer about better support for employees with caring responsibilities.
- ☐ Encourage the employer to consider adopting Carers UK's Carer Confident benchmark.
- ☐ Clarify an agreed definition for carers with the employer, one that has no conditionality once a dependant relationship criteria is met. It should also include caring for dependants with acute conditions as well as chronic, long-term conditions.
- ☐ Negotiate the provision of paid carer's leave, ideally at least 10 days that can be taken in flexible periods of time from hours, half-days, full days, weeks of a single block.
- ☐ Negotiate the provision of a further period of up to 6 months unpaid carers' leave to accommodate acute care or emergency transition periods.
- ☐ Make sure this benefit is made available to all staff, from day one of their service.
- ☐ Negotiate a limited notice period to be given for the leave, with any amount required proportionate to the amount of leave being taken and ideally with no notice required for periods below 3 days.
- ☐ Make sure comparable provision is made for carers of ill children without a pre-existing physical or mental health problem, either within paid parental leave entitlements or inclusion in the carers' leave?
- ☐ Encourage the employer to develop a carers' policy.
- ☐ Does the flexible working policy need to be strengthened? Negotiate more fair and frequent approvals of flexible working requests.

- ☐ If paid carers' leave is not agreed, will the employer agree a more flexible approach to other leave arrangements, such as:
  - flexihours allowing carers the ability to make up time off that they have taken to meet their caring responsibilities at another time
  - providing matched leave against annual holiday entitlement (such as allowing each day's leave for caring responsibilities to be counted as half a day's carer leave and half a day's annual leave)
  - offering a temporary or permanent change in workplace if it would support an employee with caring responsibilities
  - providing unpaid leave or a longer unpaid career break while the employee organises their caring responsibilities whilst keeping the job open to return to.
- ☐ Negotiate more certain work patterns so that workers can better plan their work shifts around rigid caring responsibilities.
- ☐ Check that discrimination by association is directly considered in the workplace equality and diversity policy and action plan, and also included in the harassment or dignity at work policy.
- ☐ Encourage the employer to create carers' contacts or champions within the organisation who are specifically trained to support and offer assistance to employees with caring responsibilities, and who could then link with HR to put some support measures in place as well as signposting to external support.
- ☐ UNISON reps could also become carers' contacts and provide support to members with caring responsibilities. They could set up a carers' network in the workplace, as well as negotiate with employers on behalf of individual members to assist them when changing working patterns to accommodate caring commitments.
- ☐ Regularly raise awareness of the issues and the options of support available in the workplace amongst employees, and ensure that any policy is circulated to all employees along with a list of national and local support agency contacts for carers.
- ☐ Ensure the employer agrees to provide training and induction to all staff on this issue and explain the support it offers.

A carers' policy

Carers UK (www.carersuk.org/) strongly recommend that employers

"should put in place policies to support employees juggling work and care and raise awareness of the support available in the workplace so that carers feel included and supported at work."

The CIPD (Chartered Institute of Personnel and Development) in their research 'Supporting working carers: how employers and employees can benefit', highlights how "supporting working carers has benefits for both employers and employees. Employers should develop policies and practices designed for this purpose, with the aim of becoming a 'carer-friendly' employer."

Negotiating a specific carers' policy within the workplace – ideally including paid leave for carers and improved flexible working rights – will raise the profile of the vast amount of employees struggling with ongoing caring responsibilities alongside inflexible work commitments.

Such a policy could provide a framework to show the employer's support for carers and help raise awareness of the unpaid work that carers.

It is important that a carers' policy:

- is developed in consultation with the trade union representatives, and with employees who have caring responsibilities so that it can be appropriate and useful
- includes a clearly stated commitment from the employer to set out the support on offer to their employees who have a caring responsibility in order to help them balance working and caring commitments
- contains the employer's definition of a carer as this will help ensure a shared understanding of the role, and outline the specific responsibilities for managers, human resources and employees
- is reviewed and monitored on a regular basis as this will allow the employer and staff side trade unions to gauge how the policy is working and identify any changes that would make the policy work better
- reassures employees that any information given by them will be treated confidentially and only shared with the express permission of the employee, and that managers are fully compliant with the data protection regulation.

Case study

Under the Agenda for Change terms and conditions of service, all NHS employers must have a carers' policy to address the needs of people with caring responsibilities

and to meet the requirements of the ‘right to request’ flexible working legislation. This policy should emphasise the benefits of flexible working arrangements, balancing work and personal life and employment breaks.

Additional guidance www.nhsemployers.org/articles/supporting-staff-caring-responsibilities

External information, advice and support

Carers UK www.carersuk.org The aim of this charity is to make life better for carers. They give expert information and advice, champion carers' rights and support carers in finding new ways to manage at home, at work, or wherever they are.

Carers Scotland www.carersuk.org/scotland

Carers Wales www.carersuk.org/wales

Carers NI www.carersuk.org/northernireland

Employers for Carers www.employersforcarers.org provides practical advice and support for employers seeking to develop carer friendly policy and practice and retain skilled workers; identifies and promotes the business benefits of supporting carers in the workplace; influences government and employment policy and practice to create a culture which supports carers in and into work.

Carers Trust https://carers.org/ is a major charity for, with and about carers and work to improve support, services and recognition for carers.

NHS choices www.nhs.uk/conditions/social-care-and-support-guide/ provides information from the NHS for carers and people who are planning for their future care needs, including details of the **Carers Direct Helpline** www.nhs.uk/conditions/social-care-and-support/carers-direct-helpline/

Age UK www.ageuk.org.uk/information-advice/care/helping-a-loved-one provides sources of emotional, practical and financial support that are available to carers of older people.

Independent Age www.independentage.org/information/support-care/support-for-carers/getting-help-if-youre-a-carer provides information about the support available to carers.

Macmillan Cancer Support www.macmillan.org.uk/information-and-support/audience/looking-after-someone-with-cancer.html provides support and advice to those caring for loved ones with cancer.

Alzheimer Research UK www.alzheimersresearchuk.org/about-dementia/helpful-information/support-for-carers/ provides details of information, support and care services to people with dementia as well as their families and carers.

Contact https://contact.org.uk/ is a charity for families with disabled children providing guidance and information, bringing families together to support each other, to campaign, volunteer and fundraise to improve life for themselves and others.

There for You www.unison.org.uk/get-help/services-support/there-for-you/ Members experiencing financial and emotional difficulties can contact UNISON's welfare

charity, There for You, which provides a confidential advice and support service for members and their dependants.

Putting the case to employers

Employers need to be made aware that they are very likely to have carers working for them already, whether they have told the employer or not. The statistics prove it (see section headed 'Key facts about carers' above) and the numbers are increasing.

Those working in carer-friendly organisations are less likely:

- to consider reducing their hours or giving up their jobs completely
- to find it difficult to concentrate at work
- to have turned down a promotion or decided against applying for a job because of their caring responsibilities
- to have taken sick leave or unpaid leave to provide care.

…Support for working carers therefore has the potential to contribute to organisational goals, such as employee retention, effective talent management and productivity improvements

Source: CIPD (the Chartered Institute of Personnel and Development) 2021 research, 'Supporting working carers: how employers and employees can benefit'

The business case for agreeing a workplace carers' policy includes the potential to:

- Keep experienced staff within the workforce – the peak age for caring is between 50 and 64 therefore carers are likely to be among the most skilful and experienced employees.
- Reduce staff turnover and the high cost of recruiting replacement staff**.** Carers UK have found that too many employers in both the private and public sectors believe that caring responsibilities are a key but often hidden reason for people leaving work.

  In contrast the Work and Pensions select committee cite research in their Thirteenth Report of Session 2017-19 that shows that flexible workplaces (of particular benefit to carers) improve staff morale and satisfaction, business productivity, recruitment and retention, and ultimately profitability.
- Reduce the knock-on effect of a high staff turnover on customer service, customer retention and output.
- Reduce management time spent on dealing with absences if agreed policies and procedures are in place.
- Cut sickness absence brought on by the mental and physical impact of juggling demanding caring and work responsibilities – employees who have significant

caring responsibilities are much more likely than those without to be in poor health. Carers UK report that "carers working full time and providing 50 hours or more unpaid care per week are 2.4 times (men) and 2.7 times (women) more likely to have 'not good' health than those working full-time not providing unpaid care".

- Help address any pay gap identified in gender pay gap reports – a strong contributing factor is women stepping out of the labour force to have children and the tendency for women to take on the caring roles for family members, therefore having to take on part-time, often lower paid work to be able to balance work with caring responsibilities.
- Raise productivity and improve loyalty and job satisfaction by ensuring staff are able to focus on work whilst at work, without constantly worrying about the needs of dependants and how they can be managed.
- Improve people management and staff morale across the organisation – this is likely to be of benefit to the majority of workers at some time in their working lives, including managers.
- Reduce operational costs – introducing flexible working practices for carers has been proven by employers to save them money with fewer stress-related absences, increased productivity and increased staff retention, as well as taking into account all the lost investment they have made into training and developing of staff members should they then leave due to work pressures.

And last but not least, it's the right thing to do, and recognises that caring for others is part of being human!

Case study

In May 2019, Centrica and Carers UK called on the Government to introduce 5 to 10 days of mandatory paid carers leave for all employers. Centrica estimates show that UK companies could save up to £4.8 billion a year in unplanned absences and a further £3.4 billion in improved employee retention by adopting flexible working policies to support those with caring responsibilities.

Centrica announced a change to its carers policy giving employees more paid for leave, without using annual leave allowances, to meet their caring responsibilities. It now offers 10 days paid leave to all its carers followed by another 10 days that can be taken if matched with annual leave. Previously, Centrica employees would need to take a day of annual leave to use one of their 20 days of paid for carers leave. The company also provides flexible working from day one of becoming a carer and a carers network which offers peer support.

Model carers' policy

The following model policy can be used in the workplace to help support carers. Please note that the text in square brackets **[…]** indicates where you need to complete information specific to your workplace, or else are notes for you to consider in relation to your negotiations.

Policy Statement

[Name of employer] recognises that employees with caring responsibilities may find it difficult at times to balance inflexible work practices alongside caring responsibilities and it is our policy to support these employees.

[Name of employer] is committed to developing a workplace culture that supports employees with caring responsibilities in order to help them balance their working and caring commitments, and continue to be effective in their job, in order to help us recruit and retain these employees.

[Name of employer] will not tolerate discrimination, victimisation or harassment on the basis of a person's caring responsibilities and we aim to give carers the same recruitment, training and career opportunities.

This policy is part of ***[name of employer]***'s commitment to family friendly working, and it seeks to benefit the welfare of individual members of staff; retain valued employees; improve morale and performance and enhance the reputation of ***[name of employer]*** as an employer of choice.

Scope of Policy

This policy applies to all staff who are employed at ***[name of employer]*** regardless of length of service***.***

This policy is supported by and developed with the trade unions representing the employees.

Definition of a carer

[Name of employer] defines carers as any employees who care, unpaid, for a friend or family member who due to illness, disability, a mental health problem or an addiction needs their help to live independently.

These caring responsibilities may be wide ranging and include (but are not limited to):

- personal care
- help with the dependant's mobility
- assistance with the management of medication

- practical support such as housework, help with financial matters and administration
- emotional support.

A caring responsibility may happen overnight with someone close to you suddenly taken ill, or else it may be a more gradual commitment, such as for elderly or disabled dependants who need help to continue to live independently.

Employees are encouraged to let their line manager or HR know that they have caring responsibilities so that appropriate support is provided. Such information will be treated confidentially and in accordance with ***[name of employer]'s*** data protection policy.

Support for carers

[Name of employer] recognises that caring responsibilities can be unpredictable, demanding and impact on the carer's health and wellbeing, and we aim to provide as much support as is reasonably practicable for individuals.

Employees with caring responsibilities for children should find out about the parental leave available, outlined in the **Parental Leave and Pay policy** which can be found ***[include a link or signpost to the appropriate policy. However this assumes there is an entitlement to paid parental leave that includes caring for ill children without a pre-existing physical or mental health problem, and which can be taken at short notice and for flexible periods ranging from part-days to full weeks.]***

Employees with caring responsibilities for adult dependants can apply for the following options for support:

a) Flexible working (including options for flexitime, compressed hours, homeworking, job-sharing, part-time working, term-time working, annualised hours, shift-swapping, voluntary reduced time ***[amend as appropriate]***), more details to be found in the **'Flexible working policy and procedure'** at ***[include a link or signpost to the appropriate policy].***

b) Paid *[if paid, if not this could be one of your priorities for negotiation]* emergency leave for dealing with unexpected issues at short notice, more details to be found in the 'Emergency leave policy' **at *[include a link or signpost to the appropriate policy].***

c) Paid carers' leave – in addition to emergency leave, carers may need time off work to fulfil other caring responsibilities such as (but not limited to):

i. attending medical appointments with a dependant
ii. dealing with a dependant's discharge from hospital
iii. to look after someone who is recovering

iv. providing emotional and/or practical support to a dependant who is particularly vulnerable physically or mentally.

Line managers may grant employees paid time off up to 10 days (20 in exceptional circumstances) ***[this could be negotiated, perhaps in line with any paid parental leave provided]*** in one leave year.

Carers' leave may be taken:

- as a single block
- as a number of shorter periods of hours (to covers appointments etc) and half days, full days, half-week and week blocks.

Staff should contact their line manager as early as possible to inform them of the particular caring commitment and to request leave. Where an employee has to accompany someone to a planned appointment, they should give their line manager as much notice as possible. ***[Ideally any notice required is proportionate to the amount of leave being taken and with no notice required for periods below 3 days.]***

For staff who have ongoing caring responsibilities for a dependant, these will be dealt with on an individual basis. Any difficult to resolve situations should be referred to the HR department for advice and support.

d) **Unpaid** ***[this could be negotiated so ideally not entirely unpaid, perhaps in line with any long-term sickness absence pay with a provision for periods of reduced pay before being completely unpaid or if unpaid in line with any specified periods of sabbatical offered to staff]*** **extended carers' leave** – where the leave requested by an employee with caring responsibilities is for an extended period, such as when the carer is looking after someone who is recovering from a serious illness or who is terminally ill, additional unpaid leave up to a period of 6 ***[or more as negotiated]*** months in total will be provided.

Any situation where an employee requires more than 6 months off will be considered sympathetically and practical, feasible alternatives considered, such as flexible hours and/or working at home.

Members of staff wishing to apply for extended carer's leave should apply in writing to their line manager in the first instance with full reasons for the request and length of anticipated absence. Any difficult to resolve situations should be referred to the HR department for advice and support.

[Name of employer] will provide temporary staff cover wherever possible, where there is a lengthy absence due to caring responsibilities.

e) **Other arrangements** – the needs of employees with caring responsibilities may be very simple and may not require time out of the workplace, but may require other arrangements, such as (but not limited to):

i. the need to have predictable, regular work patterns to be able to plan for caring needs well in advance
ii. the need to leave work on time
iii. the need to have access to a telephone during the day in a private space
iv. information made widely available including on the staff intranet of external sources of support.

Confidential support is available for individual employees from the **employee assistance programme** and this may include counseling if appropriate, in addition to practical information and advice. ***[include a link or signpost to further information.]***

Responsibilities of managers

Line managers should ensure that all employees are aware of this policy and understand their own and the employer's responsibilities. Training on carers' issues will be provided to all managers.

Line managers should encourage employees to disclose that they have caring responsibilities by encouraging discussion around carers' issues and highlighting the support available.

Line managers (with the support of HR where requested) should discuss the carers' support options available for employees with caring responsibilities and encourage them to access the support offered.

Line managers will consider all requests for carers' support sympathetically and will not discriminate against those employees who have caring responsibilities. All employees must be treated fairly and consistently. Employees need to be confident that they will not be treated less favourably if they take up any support available to carers.

[Name of employer] will take seriously and investigate any complaints of discrimination, harassment or victimisation, using the agreed procedures and respecting confidentiality.

All requests for carers' support must be dealt with confidentially and in accordance with the data protection policy.

Line managers will support employees in informing their colleagues about the situation if appropriate.

Responsibilities of employees

Employees are encouraged to inform their manager if they are caring for someone and need any support, so that they can best balance work and care commitments.

Employees should report any instances of harassment, victimisation or

discrimination experienced because of their caring responsibilities.

If an employee is found to have harassed, victimised or discriminated against another employee in relation to their caring responsibilities, then they will be seen as having committed a disciplinary offence.

Trade union involvement

Consultation will take place with the recognised trade union on the implementation, development, monitoring and review of this policy.

Union reps will be given training equal to that of managers and supervisors and sufficient time to carry out their duties.

Review and monitoring

[Name of employer] will ensure that all new employees, supervisors and managers will receive induction on the policy.

Adequate resources will be made available to fulfil the aims of this policy. The policy will be widely promoted, and copies will be freely available and displayed in ***[name of employer]'s*** offices and through the staff intranet ***[amend as appropriate to your workplace].***

This policy will be reviewed jointly by unions and management, on a regular basis.

Further information

Carers Trust https://carers.org

Carers UK www.carersuk.org

Signatories

This agreement is made between ***[name of the employer]*** and UNISON, a registered trade union.

This agreement comes into force on:

Date:……..

This agreement will be reviewed on:

Date:……..

SIGNED ……. for ***[name of the employer]***

DATE ……..

SIGNED …….. for UNISON

DATE ……..